

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The claims are 2-13, with claims 8 and 11 being amended and new claims 12 and 13 being added.

The Examiner has objected to claim 8. Claim 8 has been amended to overcome this objection.

The Examiner has rejected claims 2, 4-8 and 10-11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,750,429 to Mordaunt et al.

Claim 11 has been amended. It is respectfully submitted that claim 11 is patentable over the above cited reference and rejection because Mordaunt et al. does not disclose:

at least upper and lower trolley tracks extending

substantially parallel to each other

as claimed in claim 11.

In contrast, the two different sets of tracks in Mordaunt et al. run transverse to each other as described in the '429 patent to Mordaunt et al., in column 6, lines 17-47, and in particular, column 6 line 22.

In addition, Mordaunt et al. also does not disclose a lifting system that has following features:

such that said integrated lifting system is adapted so that when at least one of said plurality of trolleys moves from said lower trolley tracks to said upper trolley tracks said at least one trolley is positioned beside said upper trolley tracks, and wherein said at least one of said plurality of trolleys moves from said upper trolley tracks to said lower trolley tracks, said at least one trolley is positioned beside said lower trolley tracks

Support for this amendment can be found in the previously presented claim 11, shown by way of example in FIGS. 4-7 and also on page 11 lines 12-15.

In contrast, as disclosed in column 6 lines 40-42, the side frame members 42 are raised by the actuators 43 to raise the lower wheels clear of the low level rails 29. Mordaunt et al. does not teach that the "vehicle" is actually moved to an entirely different level.

The present invention as claimed in claim 11 is thus entirely different because the movement of the trolleys from one level to another level allows the trolleys to pass over or under one another as shown in FIG. 4 of the present invention. Because the trolleys can pass each other, moving in a parallel manner either entirely over or under another trolley, the trolleys can move in opposite directions back and forth to pick up containers. This feature is not possible with Mordaunt et al.

Therefore, it is respectfully submitted that the present invention as claimed in claim 11 is patentable over the above cited reference.

The Examiner has rejected claim 3, under 35 U.S.C. 103(a) as being unpatentable over Mordaunt et al. in view of Brower.

In addition, the Examiner has also rejected claim 9 as being unpatentable over Mordaunt et al in view of Pardes.

Claims 3 and 9 both depend from claim 11 which is believed to be allowable. Therefore, it is respectfully submitted that these claims are allowable as well. Therefore, early allowance of the remaining claims is respectfully requested.

New claims 12 and 13 have also been added. New claim 12 is supported by the specification on page 11 lines 17-19. New claim 13 is supported in the specification on page 11 line 15.

In conclusion, claims 2-13 remain in the application, claims 8 and 11 have been amended, new claims 12 and 13 have been added. No new matter has been added. It is respectfully submitted that the remaining claims are patentable over the above cited references taken either singly or in combination. Early allowance of the remaining claims is respectfully requested.

In addition, it is noted that the corresponding European application has been granted, a copy of which is hereby attached as EP1060 210 B1.

Therefore, early allowance of the remaining claims is respectfully requested.

Respectfully submitted,

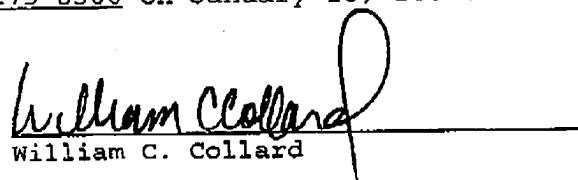
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I hereby certify that this correspondence is being sent by facsimile transmission to the USPTO to Patent Examiner ADAMS, GREGORY W. at Group No. 3652, to 1-571-273-8300 on January 18, 2008.



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